

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Case No. 15 B 25417
)	
KAREN A. CUNNINGHAM,)	Chapter 7
)	
Debtor.)	Judge Pamela S. Hollis

**ORDER ENTERING FINDINGS OF FACT AND CONCLUSIONS OF LAW
AWARDING TO LAW OFFICES OF WILLIAM J. FACTOR, LTD., ATTORNEYS FOR
TRUSTEE, ALLOWANCE AND PAYMENT OF FINAL APPLICATION FOR
COMPENSATION AND REIMBURSEMENT OF EXPENSES [EOD # 57]**

TOTAL FEES REQUESTED:	\$ 19,237.50	TOTAL COSTS REQUESTED:	\$ 418.86
TOTAL FEES REDUCED:	\$ 1,147.50	TOTAL COSTS REDUCED:	\$ 0
TOTAL FEES ALLOWED:	\$ 18,090.00	TOTAL COSTS ALLOWED:	\$ 418.86

TOTAL FEES AND COSTS ALLOWED: \$ 18,508.86

THE COURT HAS UNDERLINED THE ATTACHED TIME AND EXPENSE ENTRIES WHICH HAVE BEEN DISALLOWED IN WHOLE OR IN PART. THE BASIS FOR EACH DISALLOWANCE IS DISCLOSED BY THE NUMERICAL NOTATION WHICH APPEARS NEXT TO EACH HIGHLIGHTED ENTRY. THE NUMERICAL NOTATIONS REFER TO THE ENUMERATED PARAGRAPHS BELOW.

(5) Duplication of Services

The court denies the allowance of compensation for services that duplicate those of another professional or paraprofessional. See 11 U.S.C. § 330(a)(4)(A)(i). Also, when more than one attorney appears in court on a motion or argument or for a conference, no fee should be sought for non-participating counsel. In re Pettibone, 74 B.R. 293, 307 (Bankr. N.D. Ill. 1987) (“A debtor’s estate should not bear the burden of duplication of services. If found in the record, such duplication shall be disallowed by the court as unnecessary.”).

(7) Lumping

The court may impose a ten percent penalty for “lumping.” In re Wildman, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by ‘lumping’ a bunch of activities into a single entry. [Citation omitted.] Each type of service should be listed with the corresponding specific time allotment.”).

(10) Computational or Typographical Error

The court denies the allowance of compensation for the following tasks because the amount of

fees appears to be a computational or typographical error.

IT IS SO ORDERED.

ENTERED:

Date: 08 DEC 2017


PAMELA S. HOLLIS
United States Bankruptcy Judge

5/15/2017	AH	0.2	\$275.00	\$55.00	Process final settlement payment from Panos.
5/15/2017	AH	0.3	\$275.00	\$82.50	Finalize FactorLaw's final fee application.
		11.2		\$3,075.00	
	WJF	0.5		\$187.50	
	AH	10.7		\$2,887.50	
		11.2		\$3,075.00	

Judgment Collection from Dean					
Date	Prof	Hour	Rate	Amount	Explanation
11/9/2016	AH	0.2	\$275.00	\$55.00	Correspond with P. Metrou regarding TD Ameritrade turnover and forward check for deposit.
11/14/2016	AH	0.3	\$275.00	\$82.50	Correspond with I. Berliner regarding motion to vacate and motion for turnover.
11/15/2016	AH	0.1	\$275.00	\$27.50	Correspond with I. Berliner regarding motion for turnover.
11/21/2016	TG	1.1	\$200.00	\$220.00	<u>Prepare for hearing on multiple post judgment matters; review memos between A. Holtschlag and opposing counsel; discussions with A. Holtschlag regarding strategy; research issues with citation to discover assets.</u>
	7			(-\$22.00)	
11/21/2016	AH	0.9	\$275.00	\$247.50	Review status of collection efforts with T. Griseta and discuss future collection strategy.
11/21/2016	AH	0.4	\$275.00	\$110.00	Call with I. Berliner regarding court tomorrow and follow up email.
11/21/2016	AH	0.3	\$275.00	\$82.50	Correspond with C. Winteregg and I. Berliner regarding upcoming court hearing.
11/21/2016	SR	0.4	\$100.00	\$40.00	Correspond with A. Holtschlag regarding hearing on citations to D. Cunningham and TD Ameritrade; draft agreed order. <u>Prepare for and attend hearing on multiple post judgment matters; follow up with counsel for judgment debtor; follow up with A. Holtschlag regarding strategy.</u>
11/22/2016	TG	1.6	\$200.00	\$320.00	
	7			(-\$32.00)	
11/22/2016	AH	0.3	\$0.00	\$0.00	Correspond with T. Griseta regarding D. Cunningham's potential motion to vacate and state court hearings.

12/1/2016	SR	0.2	\$100.00	\$20.00	Review and edit third party citation to Addison Pipe, LLC; correspond with A. Holtschlag regarding same.
12/6/2016	AH	2.6	\$275.00	\$715.00	Continue drafting motion for turnover.
12/15/2016	AH	0.7	\$275.00	\$192.50	Review and revise motion for turnover.
12/15/2016	SR	0.2	\$100.00	\$20.00	Correspond with A. Holtschlag regarding motion for turnover and citation to discover assets to Addison Pipe, LLC; cause citation and motion for turnover to be issued/filed and served.
12/16/2016	AH	1.0	\$275.00	\$275.00	Begin drafting response to motion to vacate turnover order.
12/19/2016	AH	4.5	\$275.00	\$1,237.50	Continue drafting response to motion to vacate.
12/19/2016	SR	0.1	\$100.00	\$10.00	Correspond with A. Holtschlag and D. Ranallo regarding service of third party citation to Addison Pipe, LLC.
12/20/2016	TG	3.5	\$200.00	\$700.00	Draft argument for response to section 1401 petition to vacate Trustee's turnover order.
12/20/2016	AH	0.1	\$275.00	\$27.50	Correspond with I. Berliner regarding response to motion to vacate.
12/20/2016	AH	2.9	\$275.00	\$797.50	Finalize response to motion to vacate and prepare all exhibits.
12/21/2016	SR	0.1	\$100.00	\$10.00	Correspond with process server, A. Holtschlag, and D. Ranallo regarding service attempts on Addison Pipe, LLC
12/21/2016	AH	0.1	\$275.00	\$27.50	Follow up with process server regarding third party citation to Addison Pipe.
12/29/2016	SR	0.2	\$100.00	\$20.00	Correspond with A. Holtschlag and process server regarding service of third party citation directed to Addison Pipe, LLC; research regarding same.
1/4/2017	TG	1.5	\$200.00	\$300.00	Prepare for argument on motion to vacate turnover order.
1/11/2017	TG	2.3	\$200.00	\$460.00	<u>Prepare for argument on motion to vacate, motion for turnover of property, and issues with third party citation; correspondence with A. Holtschlag regarding possible settlement and strategy for arguments.</u>
	7			(-\$46.00)	
1/11/2017	AH	0.8	\$275.00	\$220.00	Correspond with C. Winteregg regarding settlement.

1/12/2017	AH	1.0	\$275.00	\$275.00	<u>Attend hearing and oral argument regarding D. Cunningham's motion to vacate turnover order; discuss settlement with D. Cunningham.</u>
	7		(-\$27.50)		
1/12/2017	TG	2.7	\$200.00	\$540.00	<u>Prepare for and attend argument on multiple motions; follow ups with A. Holtschlag regarding strategy.</u>
	5		(-\$540.00)		
1/12/2017	SR	0.1	\$100.00	\$10.00	Correspond with process server regarding service of third party citation to Addison Pipe, LLC
1/18/2017	AH	0.4	\$275.00	\$110.00	Correspond with C. Winteregg regarding settlement with D. Cunningham.
1/20/2017	TG	0.3	\$200.00	\$60.00	Review memos regarding settlement and briefing on motion for turnover and follow up with A. Holtschlag in that regard.
1/26/2017	TG	1.0	\$200.00	\$200.00	<u>Review settlement offer from judgment debtor and correspondence with A. Holtschlag regarding strategy; review documents produced by judgment debtor regarding federal lien on company; review response brief.</u>
	7		(-\$20.00)		
1/27/2017	AH	0.9	\$275.00	\$247.50	Review response of D. Cunningham to Motion for Turnover of Vehicles.
1/27/2017	TG	0.4	\$200.00	\$80.00	Review response in opposition of motion for turnover of vehicles and follow up with A. Holtschlag regarding the same.
1/27/2017	AH	0.3	\$275.00	\$82.50	Prepare and send counter offer to C. Winteregg.
1/27/2017	AH	0.6	\$275.00	\$165.00	Review settlement offer from D. Cunningham, discuss counter offer with T. Griseta, correspond with P. Metrou regarding settlement offer and recommended counter.
1/30/2017	TG	0.4	\$200.00	\$80.00	Review memos regarding settlement offer from judgment debtors and counter offer by trustee; correspondence with A. Holtschlag regarding reply brief in support of motion for turnover of vehicles.
1/30/2017	AH	0.2	\$275.00	\$55.00	Correspond with C. Winteregg regarding settlement with D. Cunningham.
1/31/2017	AH	1.9	\$275.00	\$522.50	Draft reply in support of motion for turnover.

2/1/2017	AH	3.1	\$275.00	\$852.50	Continue drafting reply in support of motion for turnover.
2/2/2017	TG	0.7	\$200.00	\$140.00	Review and revise reply in support of motion for turnover of vehicles (0.5); follow up with A. Holtschlag regarding the same (0.2).
2/2/2017	AH	1.3	\$275.00	\$357.50	Finalize reply in support of motion for turnover.
2/7/2017	TG	0.3	\$200.00	\$60.00	Correspondence with A. Holtschlag regarding seeking rule to show cause against judgment debtor's non-responsive company as well as strategy for pursuing a charging order or other relief.
2/16/2017	TG	0.8	\$200.00	\$160.00	Discussions with A. Holtschlag regarding settlement strategy and review memos to trustee (0.4); phone call with opposing counsel regarding settlement (0.3); discussions regarding briefing of turnover motion and strategy for going forward (0.1).
2/16/2017	AH	0.3	\$275.00	\$82.50	Settlement discussion with I. Berliner and C. Winteregg.
2/21/2017	AH	0.3	\$275.00	\$82.50	Correspond with P. Metrou regarding potential settlement.
2/21/2017	AH	0.1	\$275.00	\$27.50	Correspond with J. Josko regarding vehicle liquidation.
2/21/2017	TG	0.5	\$200.00	\$100.00	Discussions with A. Holtschlag regarding settlement (0.2); prepare for oral argument on motion for turnover of various vehicles (0.3).
2/22/2017	AH	0.7	\$275.00	\$192.50	Prepare for oral argument with T. Griseta.
2/22/2017	AH	0.4	\$275.00	\$110.00	Correspond with I. Berliner regarding potential settlement with D. Cunningham.
2/22/2017	TG	0.4	\$200.00	\$80.00	Prepare for oral argument on motion for turnover; discussions with A. Holtschlag regarding the same.
2/23/2017	AH	0.6	\$275.00	\$165.00	<u>Attend oral argument and extensive discussion regarding turnover order with counsel for D. Cunningham.</u>

2/23/2017	TG	2.2	\$200.00	\$440.00	<u>Prepare for and attend argument on motion for turnover of vehicles and hearing on various citations against judgment debtor and his company.</u>
	5			(-\$440.00)	
2/24/2017	TG	0.3	\$200.00	\$60.00	Memos to and from auctioneer regarding turnover of vehicles and logistic considerations for the same.
2/24/2017	SR	0.3	\$100.00	\$30.00	Correspond with T. Griseta and D. Ranallo regarding orders for turnover and rule to show cause; research regarding same.
3/1/2017	AH	0.2	\$275.00	\$55.00	Correspond with C. Winteregg regarding potential purchase offers and turnover of vehicles.
3/1/2017	TG	0.6	\$200.00	\$120.00	Call with client (0.1); discussions with A. Holtschlag regarding strategy for settlement and turnover of vehicles without titles in hand (0.3); review settlement memo (0.2).
3/3/2017	TG	0.3	\$200.00	\$60.00	Memos to and from opposing counsel regarding satisfaction of turnover order.
3/3/2017	SR	0.2	\$100.00	\$20.00	Correspond with A. Holtschlag and process server regarding service on Addison Pipe, LLC; research regarding same.
3/3/2017	AH	0.2	\$275.00	\$55.00	Correspond with I. Berliner regarding turnover of vehicles.
3/6/2017	AH	1.4	\$275.00	\$385.00	Correspond with J. Josko, C. Winteregg, I. Berliner, T. Griseta and P. Metrou regarding D. Cunningham's breach of court order to turnover vehicles.
3/6/2017	AH	0.2	\$275.00	\$55.00	Correspond with J. Josko regarding delivery of vehicles.

3/8/2017	TG	1.5	\$200.00	\$300.00	Draft and revise motion for rule to show cause against judgment debtor for his failure to comply with turnover order (1.0); review multiple third party citations (0.3); review memos to and from process server regarding judgment debtor's evasion of service and advise accordingly (0.2);
3/8/2017	SR	0.5	\$100.00	\$50.00	Draft petition for rule to show cause.
3/8/2017	AH	0.4	\$275.00	\$110.00	Correspond with I. Berliner, P. Metrou and T. Griseta regarding settlement.
3/8/2017	AH	0.2	\$275.00	\$55.00	Correspond with J. Josko regarding costs of failed turnover, and service of process on Addison Pipe.
3/9/2017	AH	0.2	\$0.00	\$0.00	Correspond with I. Berliner, T. Griseta and P. Metrou regarding settlement.
3/9/2017	TG	1.2	\$200.00	\$240.00	<u>Discussions with opposing counsel regarding settlement (0.3); complete motion for rule to show cause against D. Cunningham and revisions to the same, cause to be filed (0.6); follow up phone calls with opposing counsel and conference with A. Holtschlag regarding terms of settlement agreement (0.2).</u>
	10		(-\$20.00)		
3/10/2017	TG	0.4	\$200.00	\$80.00	Call with opposing counsel regarding terms of proposed settlement agreement and follow up with A. Holtschlag regarding the same.
3/14/2017	TG	0.3	\$200.00	\$60.00	Prepare for hearing on motion for rule to show cause and other post judgment matters.
3/14/2017	AH	0.4	\$275.00	\$110.00	Draft motion to approve settlement.
3/14/2017	AH	1.4	\$275.00	\$385.00	Draft settlement agreement with D. Cunningham.
3/15/2017	TG	1.8	\$200.00	\$360.00	Attend hearing on multiple post judgment matters and meet opposing counsel to obtain initial settlement payment (1.6); follow up with A. Holtschlag regarding the same (0.2).
3/15/2017	AH	2.5	\$275.00	\$687.50	Continue drafting motion to approve settlement with D. Cunningham.
3/16/2017	AH	0.6	\$275.00	\$165.00	Review settlement agreement with D. Cunningham and finalize motion to approve settlement.